- 7 -

REMARKS

The present amendment is responsive to the Office Letter mailed in the above-referenced case on February 14, 2002. Claims 1-20 are presented for examination.

Applicant acknowledges the present application currently names joint inventors and notes that the Examiner is correct in his presumption that the subject matter of the various claims was commonly owned at the time the invention was made. Claims 1-2, 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (5,983,218), hereinafter Syeda.

The Examiner states that regarding independent claim 16, Syeda discloses accessing and rendering media from multimedia files in a data repository and limiting access to preselected media files, but that Syeda fails to disclose the code set for accessing and rendering media code from multimedia files in a data repository as well as software modules providing functionality for an Interactive Multimedia Application (IMA) and Interactive Multimedia Viewer (IMV). The Examiner further states that Syeda can, however, can perform accessing and rendering media from multimedia files stored in a data repository and provides the interactive dialog for accessing and rendering multimedia data, and it would have been obvious to include the code set for performing accessing and rendering and the IMV in Syeda to provide applicant's claimed invention.

Firstly, regarding applicant's claim 1 and the Examiner's rejection of the claim and reasoning for the rejection, as stated by the Examiner on page 5 of the instant Office Letter, applicant wishes to respectfully suugest that the rejection of

- 8 -

the apparatus claim based on reasoning provided on behalf of a method claim presents a difficulty for applicant, in that the apparatus claims recite limitations including the meaning and functions of apparatus, and when the apparatus claims are examined in this manner they are not given the ample consideration they are due.

Applicant has carefully studied the prior art presented by the Examiner, and the Examiner's rejections and statements, and herein presents further argument to more particularly point out the subject matter regarded as the invention, and to clearly establish that the claims as presented distinguish unarguably over the art cited and applied. Applicant points out and argues the key limitations in the base claims that the Examiner appears to have misunderstood or possibly overlooked in his rejections and statements.

Regarding claim 16, applicant respectfully disagrees with the Examiner's reasoning that it would have been obvious to modify the invention of Syeda to include the code set of applicant's invention to perform accessing and rendering and the IMV. The Examiner's contention that the accessing and rendering of multimedia data in Syeda implies that the code set in the program is included for said accessing and rendering , applicant believes, is purely conjecture on the Examiner's part.

Applicant's claim 16 specifically recites a code set in a software module for accessing and presenting media code from multimedia files which are at least telephony, Interactive Voice Response (IVR) and e-mails. The code set of applicant's claim 16 is provided for an object-model-building process and for enabling the linking and interaction between the models. The method and apparatus of applicant's invention for <u>building</u> multimedia applications using interactive multimedia viewers is enabled by the code sets. Interactive media viewers are built and edited in the method and apparatus of applicant's claimed invention using the code sets.

- 9 -

Applicant argues that the code sets of applicant's claim 11 could not be combined with Syeda to produce applicant's invention because Syeda teaches a multimedia database for use in distributed network environments wherein a query processing module transforms user queries into search transformations that can be used for indexing of sent and retrieved data. The interactive dialog in the user interface in Syeda, as stated by the Examiner, is for interactive purpose, accessing and rendering multimedia data, not for building multimedia applications using interactive media viewers as is the goal of applicant's invention. Code sets that would be used in the invention of Syeda would therefore be for programming applications enabling such data "rendering", not building and creating multimedia applications using interactive multimedia viewers as is claimed in applicant's invention.

The Examiner states that Syeda also does not disclose the editable layer which allows the programmer to program limitations limiting access by the IMV to preselected media files, editing of the editable layer of at least one IMV and joining of selected and edited modules to form the IMV, but does disclose limiting access to the preselected media data by eliminating duplicate information. The Examiner further states that since Syeda can limit access to preselected media files Syeda suggests the editable layer of the invention.

Further, regarding the editing and editable layer step of applicant's claim 16, the Examiner states that Syeda discloses manipulating in some manner the multimedia data in the database as a method step for assembling an interactive multimedia application, and that eliminating duplicates implies a type of editing, and Syeda, therefore, suggests the edit feature and the editing step of applicant's invention.

Again applicant must respectfully disagree with the Examiner reasoning and reiterate that Syeda does not teach a method for assembling, or building and interactive multimedia application, as claimed. Therefore, the editing in Syeda

- 10 -

comprising eliminating duplicates, clearly cannot read on the editing function as claimed in claim 16. Applicant further argues in response to the Examiner's statement pertaining to applicant's step in claim 16 of joining the selected and edited modules to form the IMA, that the information rendered to users after eliminating duplicates or updating data in Syeda clearly does not imply the step as claimed by applicant, and again the Examiner is relying on conjecture and assumptions by applying the specific art to applicant's claimed invention.

It is clear to applicant upon careful study of the art of Syeda, particularly the portions referenced by the Examiner in support of his rejections and statements, that Syeda teaches an entirely different method for achieving a completely different purpose than applicant's claimed invention, and the various aspects of the method of Syeda for achieving the stated goal clearly do not read upon applicant's claimed invention. The references provided by the Examiner supporting the 103(a) rejection unarguably do not teach or suggest, either singly or in combination, all of the limitations of applicant's claims. Obviousness cannot be established by combining the teaching of the combined art to produce the claimed invention, absent some teaching for suggestion supporting combination, and is clearly not established in this case. Applicant can find no incentive, suggestion or capability anywhere in the prior art cited and applied by the Examiner, for building multimedia applications using interactive multimedia viewers as is claimed.

Applicant believes claim 16 is unarguably patentable over the prior art in view of applicant's above arguments. Claims 17-19 are patentable on their own merits, or at least as depended from a patentable claim.

Regarding applicant's apparatus claim 1, rejected by the Examiner based on the reasoning applied to method claim 16, applicant believes that in view of applicant's above arguments on behalf of claim 16, and that claim 1 recites substantially the limitations of claim 16 including the meaning and functions of

- 11 -

those limitations, claim 1 is also patentable over the prior art. Claims 2-5 are patentable on their own merits or at least as depended from patentable claim.

Applicant's claim 6 recites a programming application for creating an interactive media application in accordance with embodiments of the present invention as claimed in claims 1 and 11, and is therefore also patentable in view of the above facts and arguments presented by applicant. Claims 7-10 art patentable on their own merits or at least as depended from a patentable claim.

As all of the claims standing for examination as amended have been shown to be patentable over the art of record, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

- 12 -

Version With Markings to Show Changes Made

No Amendments to the claims are herein made in this present response.

Respectfully Submitted,
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